

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADAM HORNSBY,
Plaintiff,

v.

BRYANNA BEUSCH, et al.,
Defendants.

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Civil Action No. 6:21cv354

DEFENDANTS' ORIGINAL ANSWER AND JURY DEMAND

NOW COME Defendants Bryanna Beusch, Jason Cofer, and Justin Street, by and through the Office of the Attorney General for the State of Texas, and submits this Original Answer and Jury Demand in response to Plaintiff's Original Complaint. ECF No. 1.

**I.
DEFENDANTS' ANSWER TO THE COMPLAINT**

1. Pursuant to Federal Rule of Civil Procedure 8(b), Defendants deny each and every allegation contained in Plaintiff's Original Complaint except for those expressly admitted herein.
2. Defendants admit that Plaintiff was an inmate confined to the custody of Texas Department of Criminal Justice ("TDCJ") at all times relevant to this case.
3. Defendants admit that, at all times relevant to the allegations in the original complaint, they were employed by TDCJ.
4. Defendants admit TDCJ is an agency of the State of Texas.
5. Defendants do not contest the jurisdiction of this Court to hear the claims asserted, nor do they contest that venue is proper in the Eastern District of Texas, Tyler Division.
6. Defendants admit that at all times relevant to Plaintiff's claims they were acting under color of law and within the scope of their employment.
7. Defendants admit that causes of action may be stated under certain circumstances pursuant to 42

U.S.C. § 1983, but deny that such circumstances are present in this case.

8. Defendants deny that Plaintiff was deprived of any right, privilege, or immunity granted or secured by the Constitution and/or laws of the United States.
9. Defendants deny that Plaintiff is entitled to any relief demanded in his complaint, and further deny that Plaintiff is entitled to punitive damages, attorney's fees, or costs in any amount whatsoever.
10. Defendants neither admit nor deny that they used excessive force against Plaintiff in September of 2020, as there has not been an opportunity for sufficient fact gathering.
11. Defendants neither admit nor deny that Plaintiff's injuries were caused by their alleged use of force, as there has not been an opportunity for sufficient fact gathering.
12. Defendants deny making a false entry into a government record in violation of Texas Penal Code 37.10.

II. IMMUNITIES AND AFFIRMATIVE DEFENSES

13. Defendants deny that Plaintiff may bring this suit without first exhausting administrative remedies. Defendants will file a dispositive motion for failure to exhaust should it become evident that Plaintiff has failed to properly exhaust all administrative remedies.
14. To the extent that Plaintiff is lodging any complaint against Defendants in their individual capacity, Defendants assert that, at all times relevant to this cause of action, they acted in good faith and with a reasonable belief that their actions were in compliance with the laws and Constitution of the United States.
15. Defendants assert their entitlement to qualified immunity for all claims asserted against them in their individual capacity.
16. Defendants assert that Plaintiff has not demonstrated that their conduct violated clearly established law.
17. At all times relevant to this cause, Defendants acted, if they acted at all, in their official capacity as

officials of TDCJ, with the reasonable and good faith belief that their actions were proper under the Constitution and laws of the State.

18. Defendants assert a statute of limitations defense to any claims filed beyond the applicable statute of limitations.

III. JURY DEMAND

19. Should trial be necessary in this suit, Defendants respectfully request a trial by jury.

IV. PRAYER

Defendants Bryanna Beusch, Jason Cofer, and Justin Street pray that Plaintiff Hornsby take nothing, and that Defendants be awarded their costs and any other relief to which they may be entitled.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN E. COWLES

Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE

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/s/ Luis A. Suarez

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**ATTORNEYS FOR BEUSCH, COFER, AND
STREET**

CERTIFICATE OF SERVICE

I, LUIS A. SUAREZ, Assistant Attorney General of Texas, certify that a correct copy of the foregoing **Defendant's Original Answer and Jury Demand** has been served by placing same in the United States Mail, postage prepaid within one business day of October 20, 2021, addressed to:

Adam Hornsby
TDCJ-CID #1589373
Hugues Unit
3201 FM929,
Gatesville, TX 76528
Plaintiff *pro se*

CMRRR 7020 0090 0000 7449 6910

/s/ Luis A. Suarez
LUIS A. SUAREZ
Assistant Attorney General